

STATE OF TENNESSEE

Office of the Attorney General



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VIA HAND DELIVERY

October 24, 2001

David Waddell, Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37238

Re: Complaint of Access Integrated Network, Inc. Against BellSouth
Telecommunications, Inc. Docket No. 01-00808

Dear Mr. Waddell:

Enclosed are the original and thirteen copies of the Consumer Advocate's Petition to Intervene in the above-referenced cases. A copy has been provided to counsel of record for all parties involved in both cases.

Thank you for your attention in these matters.

Sincerely,

Chris Allen
Assistant Attorney General

Enclosures:

IN THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE

IN RE: COMPLAINT OF)
ACCESS INTEGRATED NETWORKS,)
INC. AGAINST BELL SOUTH) DOCKET NO. 01-00808
TELECOMMUNICATIONS, INC.)

ATTORNEY GENERAL'S
PETITION TO INTERVENE

Comes Paul G. Summers, the Tennessee Attorney General, through the Consumer Advocate and Protection Division, (hereinafter "Attorney General") pursuant to Tenn. Code Ann. § 65-4-118(c)(2)(A), and petitions to intervene in this case in the public interest on behalf of consumers of Tennessee who will be adversely affected by price discrimination. For cause the Petitioner would show as follows:

1. The Attorney General is authorized by Tenn. Code Ann. § 65-4-118 (c)(2)(A) to initiate a contested case, and participate or intervene in proceedings to represent the public interest of Tennessee consumers in accordance with the Uniform Administrative Procedures Act (UAPA).
2. In the present docket, Access Integrated Networks, Inc. ("AIN") provides documentation which establishes that BERRYDirect, an authorized sales representative of BellSouth Telecommunications, Inc. ("BellSouth") offered three (3) free months of service in return

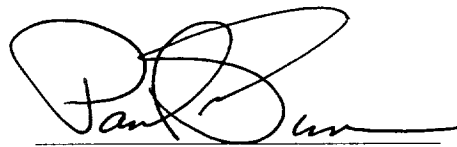
for switching to BellSouth as the provider of business telecommunication services which is not contained in it's filed tariff for the BellSouth 2001 Key Discount Program.

3. In Docket No. 01-00868, XO Tennessee, Inc. provides documentation which establishes that a Senior BellSouth account executive offered three (3) free months of service in return for switching to BellSouth as the provider of business telecommunications which is not contained in it's filed tariff for the BellSouth 2001 Key Discount Program.
4. In the present docket, BellSouth states, in part, in its answer that on September 18, 2001 it suspended all marketing efforts in Tennessee of it's three authorized service representatives as relate to the tariff at issue - the BellSouth 2001 Key Business Discount Program ("Program"). BellSouth further states in its answer, that it instructed BERRYDirect to withdraw any sales proposals outstanding prior to suspension of the Program, which may have implied any offers of free telecommunications services. It should be emphasized that BellSouth did not go back and review proposals that were consummated prior to September 18, 2001, BellSouth did not instruct its other two authorized service representatives to withdraw outstanding proposals, there was no mention of whether BellSouth was going to follow-up with BERRYDirect to confirm that it, in fact, withdrew all outstanding proposals, and there was no indication of how long the marketing efforts in question of BERRYDirect were suspended.
5. None of the steps taken by BellSouth addressed the misrepresentation made in Docket No. 01-00868 by Robin Porter, a Senior Account Executive at BellSouth.
6. The possibility that misrepresentations may be more pervasive concerns the Attorney General and therefore, he believes an investigation is necessary and appropriate under the

existing circumstances.

7. Accordingly, the Attorney General requests to intervene in this case involving the complaint of AIN against BellSouth.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul G. Summers", written over a horizontal line.

Paul G. Summers, 6285
Tennessee Attorney General

A handwritten signature in black ink, appearing to read "Chris Allen", written over a horizontal line.

Chris Allen, 13696
Assistant Attorney General
Consumer Advocate and Protection Division
John Sevier Building, 3rd Floor
425 5th Avenue North
Nashville, Tennessee 37243-0500
(615)-532-2590

Certificate of Service

I hereby certify that a true and correct copy of the Petition to Intervene was served on parties below via U.S. Mail, postage prepaid, this October 24, 2001.

Guy Hicks, Esquire
BellSouth Telecommunications, Inc.
333 Commerce Street, Suite 2101
Nashville, Tennessee 37201-3300

Henry Walker, Esquire
Boult, Cummings, Conners & Berry, PLC
P.O. Box 198062
Nashville, Tennessee 37219



Chris Allen
Assistant Attorney General

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